

**CITY OF ST. LOUIS
BOARD OF PUBLIC SERVICE**

M/WBE GUIDELINES FOR PUBLIC WORKS CONTRACTS

I. GENERAL PROVISIONS

A. POLICY:

It is the policy of the City of St. Louis, hereafter referred to as the City that the effects of identified discrimination against minority business enterprises and women's business enterprises within its jurisdiction shall be eradicated as part of the overall City business and economic development strategy. The method that the City shall employ to implement that policy is the establishment of a goal of at least 25% minority business enterprise (MBE) participation and at least 5% women's business enterprise (WBE) participation, as defined in the Mayor's Executive Order #28 (Order), in contracts and purchases wherein City Funds are expended. Consequently, the requirements of the Order and the directives developed by the City to ensure compliance with the Order apply to the contract agreement issued by the City resulting from this bid solicitation.

B. M/WBE GOALS:

The City has established in connection with this contract, the goal of at least 25% MBE participation and at least 5% WBE participation taken as a percentage of the original contract amount. This goal remains in effect throughout the life of the contract. When award of the contract is made with Minority and Women's Business Enterprise (M/WBE) participation less than the contract goal, the prime contractor shall continue good faith efforts throughout the life of the contract to increase the M/WBE participation to meet the contract goal.

Whenever additional contract supplements, extra work orders, or change orders are made that individually, or in the aggregate, increase the total dollar value of the individual contract, the contractor shall make every effort to maintain the level of M/WBE participation as established in the original contract.

C. M/WBE OBLIGATION:

The contractor agrees to take all reasonable steps necessary to ensure that Minority and Women's Business Enterprises (M/WBEs), as defined in the Order, have an opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with city funds provided under this contract agreement. The contractor shall not discriminate on the basis of race, religion, color, national origin or sex in the award and performance of contracts financed in whole or in part by the City. The contractor is encouraged to utilize the services of banks in the community which are owned and controlled by minorities and women when feasible and beneficial.

D. FAILURE TO COMPLY WITH M/WBE PROGRAM GUIDELINES:

All contractors and subcontractors are hereby advised that failure to carry out the guidelines set forth above shall constitute a breach of contract and, may result in rejection of the bid; termination of the contract; a deduction from the contract funds due or to become due the contractor; or other such remedy as described in the Order.

Failure to comply with the M/WBE guidelines shall include but not be limited to failure to submit the M/WBE Utilization Statement with the bid; failure to comply with the Submission Requirements outlined in these guidelines, failure to request a partial or complete waiver from the established goal as established in the Order if it is determined that the established contract goal will not be met; failure to exert a reasonable good faith effort to meet the established contract goal; failure to make a reasonable good faith effort to achieve the scheduled amount of M/WBE participation set forth on the approved Subcontractor List and failure to provide reasonable opportunities for M/WBEs.

E. APPLICABILITY

The contractor shall include these guidelines in all subcontracts and purchase orders for procurements resulting from this contract so that such provisions will be binding upon each subcontractor, regular dealer, manufacturer, consultant, or service agency.

F. DEFINITIONS:

As used in this requirement, the following terms have the meanings indicated:

1. Minority Business Enterprise (MBE): a sole proprietorship, partnership, or corporation owned, operated, and controlled by minority group members who have at least 51% ownership. The minority group member(s) must have day to day operational and

managerial control, and an interest in capital and earnings commensurate with his or her percentage of ownership.

2. Minority Group Member(s): persons legally residing in the United States who are African-American, Hispanic-American, Asian-American or Native-American.
3. Women's Business Enterprise (WBE): a sole proprietorship, partnership, or corporation owned, operated and controlled by a woman or women who have at least 51% ownership. The woman or women must have day to day operational and managerial control, and an interest in capital and earnings commensurate with her or their percentage of ownership.

G. ELIGIBILITY OF M/WBES:

A current directory containing the names of firms that have been certified as eligible to participate as M/WBES on City contracts can be obtained from the St. Louis Development Corporation, the City of St. Louis' Board of Public Service, and the St. Louis Airport Authority. This directory is not an endorsement of the quality of performance of the business but is simply an acknowledgment of the firm's eligibility as a M/WBE. Firms certified subsequent to the printing of this directory may be counted towards the project's M/WBE goals only if their certification is active at the time of bid opening. Contractors should contact SLDC, (314) 622-3400, or the DBE Program Office, (314) 551-5000 to verify the current status of a firm's certification. The Participation of M/WBE firms located outside the St. Louis Metropolitan Statistical Area (MSA) shall not count towards the goals established by the Order.

H. APPLICABILITY OF PROVISIONS TO M/WBE BIDDERS:

These provisions are applicable to all bidders, including M/WBES. M/WBE bidders must make a reasonable good faith effort to meet the M/WBE goals. A bid submitted by a M/WBE **is not** presumed to have met the prescribed M/WBE goal. The value of self-performed work, plus the value of M/WBE subcontracts scheduled to be issued, will be counted towards the M/WBE goal. The M/WBE bidder must perform at least 30 percent of the work of the contract with its own work force. If the M/WBE bidder intends to sublet any portion of the contract, the M/WBE bidder shall comply with provisions regarding contractor and subcontractor relationships. The M/WBE bidder shall properly execute and submit a Subcontractor List as prescribed by the bid documents.

I. COUNTING M/WBE PARTICIPATION TOWARD M/WBE GOALS:

M/WBE participation toward attainment of the goal will be credited on the basis of total subcontract prices agreed to between the contractor and subcontractors for the contract items or portions of items being subcontracted as reflected on the Subcontractor List in accordance with the City's M/WBE Program, and the following criteria.

1. The total value of contracts awarded for construction and services to an eligible M/WBE is counted toward the M/WBE goal provided the M/WBE performs a commercially useful function (CUF). The contractor is responsible for ensuring that the goal is met using M/WBEs that perform a commercially useful function.

The contractor shall operate in a manner consistent with the guidelines set forth in the M/WBE Program. A commercially useful function is performed when a M/WBE is responsible for the execution of a distinct element of work by actually managing, supervising, and performing the work in accordance with standard industry practices except when such practices are inconsistent with the Order, and the SLDC M/WBE Program, and when the M/WBE receives due compensation as agreed upon for the work performed. To determine whether a M/WBE is performing a commercially useful function, the SLDC shall evaluate the amount of work subcontracted in accordance with the SLDC M/WBE Program, industry practices and other relevant factors. When an arrangement between the contractor and the M/WBE represents standard industry practice, if such arrangement erodes the ownership, control or independence of the M/WBE, or fails to meet the commercially useful function requirement, the contractor will not receive credit toward the goal.

3. A contractor may count toward the M/WBE goal 100 percent of expenditures to a M/WBE trucker. The M/WBE trucker must manage and supervise the trucking operations with its own employees and use equipment owned and/or leased by the M/WBE. No credit will be counted for the purchase or sale of material hauled unless the M/WBE trucker is also a SLDC certified M/WBE supplier. No credit will be counted unless the M/WBE trucker is an approved subcontractor.
4. A contractor may count toward the M/WBE goal that portion of the dollar value with a joint venture equal to the percentage of the ownership and control of the M/WBE partner in the joint venture. Joint ventures must be certified prior to the bid opening. Such crediting is subject to a favorable SLDC review of the joint venture

agreement to be furnished by the apparent low bidder at the Pre-award Conference. The joint venture agreement shall include a detailed breakdown of the following:

- a. Contract responsibility of the M/WBE for specific items of work;
 - b. Capital participation by the M/WBE;
 - c. Specific equipment to be provided to the joint venture by the M/WBE;
 - d. Specific responsibilities of the M/WBE in the control of the joint venture;
 - e. Specific manpower and skills to be provided to the joint venture by the M/WBE;
 - f. Percentage distribution to the M/WBE of the projected profit or loss incurred by the joint venture;
5. A contractor may count toward the M/WBE goal only expenditures for materials and supplies obtained from M/WBE suppliers and manufacturers in accordance with the following:
- a. The contractor may count expenditures for material and supplies obtained from M/WBE suppliers and manufacturers toward M/WBE goals, provided that the M/WBE assumes the actual and contractual responsibility for the provision of materials and supplies.
 - b. The contractor may count the entire expenditure made to a M/WBE manufacturer. A manufacturer is defined as an individual or entity that produces goods from raw materials or substantially alters them before resale. The M/WBE manufacturer shall be certified as such by an agency recognized by SLDC.
 - c.
 - i. The contractor may count 20 percent of the expenditures to M/WBE suppliers that are not manufacturers.
 - ii. A contracting agency may count as MBE or WBE participation the entire expenditure to an MBE or WBE supplier when the supplier:
 - (1) assumes the actual and contractual responsibility for furnishing the supplies and materials, and
 - (2) is recognized as a distributor by the industry involved in the contracted supplies and materials; and

(3) owns or leases a warehouse, yard, building, or whatever other facilities are viewed as customary or necessary by the industry; and

(4) distributes, delivers and services products with its own staff and/or equipment.

(5) Dealers in bulk items such as steel, cement, aggregates and petroleum products are not required to maintain items in stock, but they must own or operate distribution equipment. The M/WBE supplier shall be certified by the City.

- d. A contracting agency may count as MBE or WBE only those firms that have been certified as MBEs and WBEs by the City prior to bid opening. If a firm listed by a bidder in its bid documents has not been so certified as MBE or WBE, the amount of participation it represents will be deducted from the total MBE or WBE participation proposed to determine the actual level of M/WBE participation proposed by the bidder.
 - e. A M/WBE may not assign or lease portions of its supply manufactured product or service agreement without the written approval of the contracting agency, in addition to any other approvals that may be required under the contract or by law or ordinance.
- 6. A contractor may count toward the M/WBE goal reasonable expenditures to M/WBE firms including fees and commissions charged for providing a bonafide service; fees charged for hauling materials unless the delivery service is provided by the manufacturer or regular dealer as defined above; and fees and commissions for providing any bonds or insurance specifically required for the performance of the contract.
 - 7. The contractor will not receive credit if the contractor makes direct payment to the M/WBE's material supplier. However, it will be permissible for a material supplier to invoice the contractor and M/WBE jointly and be paid jointly by the contractor and the M/WBE firm.
 - 8. The contractor will not receive credit toward the M/WBE goal for any subcontracting arrangement contrived to artificially inflate the M/WBE participation.

II. PRE-AWARD COMPLIANCE RESPONSIBILITIES

A. SUBMISSION REQUIREMENTS

- I. All bidders must submit the M/WBE Utilization Statement with their bid proposal. Failure to do so may render a bid non-responsive.
2. Within 48 hours following bid opening, the apparent low bidder, and all other bidders still desiring to be considered for contract award, are required to submit to the Board of Public Service, the following information to demonstrate the contractor's intended certified M/WBE participation:
 - a) The Subcontractor List, which shall include **all** subcontractors and material suppliers, including M/WBEs, proposed for utilization on the project. The Subcontractor List shall include the names and addresses of the firms, a list of bid items of work to be performed or materials to be supplied by the firms and the dollar value of the work to be performed or materials to be supplied by the firms.
 - b) The Notice of Intent to Perform As A Subcontractor and/or Material Supplier, which is to be executed by each M/WBE subcontractor and material supplier proposed for utilization on the project.
 - c) The Contractor's Good Faith Efforts Report and Statement, which are required submittals only when the bidder has not achieved the M/WBE goals with **City certified** M/WBEs.
 - d) Request for partial or total waiver of the M/WBE goals is required when the bidder is unable to meet the goals.
 - e) The Contractors Compliance Report, Compliance Evaluation Form and the Examination Report for Construction Work are forms designed to capture the employment demographics of bidders and their prime subcontractors.

B. GOOD FAITH EFFORTS:

When the M/WBE goals cannot be met, the bidder shall document and submit justification utilizing the Contractor's Good Faith Efforts Report form and provide a statement as to why the goals could not be met. The quality and intensity of the contractor's good faith efforts will be evaluated by the City. The contractor must demonstrate the good faith efforts taken to meet the M/WBE goals, including but not limited to the following:

- I. Efforts made to select portions of the work proposed to be performed by M/WBEs in order to increase the likelihood of achieving the stated goal, including, where appropriate, but not limited to, breaking down contracts into economically feasible units to facilitate M/WBE participation. Selection of portions of work are required to at least equal the goal for M/WBE utilization specified in the contract.
2. Written notification at least (14) calendar days prior to the opening of bids, soliciting individual M/WBEs interested in participation in the contract as a subcontractor, regular dealer, manufacturer, consultant, or service agency and for what specific items or type of work.
3. Written notification to disadvantaged economic development assistance agencies and organizations which provide assistance in recruitment and placement of M/WBEs, of the type of work, supplies, or services being considered for M/WBEs on this contract.
4. Efforts made to negotiate with M/WBEs for specific items of work including evidence on:
 - a. The names, addresses, telephone numbers of M/WBEs who were contacted, the dates of initial contact and whether initial solicitations of interest were followed up by contacting the M/WBEs to determine with certainty whether the M/WBE is interested. Personal or phone contacts are expected.
 - b. A description of the information provided the M/WBEs regarding the plans and specifications and estimated quantities for portions of the work to be performed.
 - c. A statement of why additional agreements with M/WBEs were not reached, and
 - d. Documentation of each M/WBE contacted but rejected and the reasons for the rejection.

5. Absence of any agreements between the contractor and the M/WBE in which M/WBE promises not to provide subcontracting quotations to other bidders.
6. Efforts made to assist the M/WBEs that need assistance in obtaining bonding, insurance, or lines of credit required by the contractor.
7. Documentation that qualified M/WBEs are not available, or not interested.
8. Attendance at any meeting scheduled by the BPS, the user department, or the SLDC to encourage better contractor-subcontractor relationships, forthcoming M/WBE utilization opportunities (i.e. pre-bid, workshops, seminars), etc.
9. Advertisement, in general circulation media, trade association publications, disadvantaged-focused media, of interest in utilizing M/WBEs and area of interest.
10. Efforts to effectively use the services of available disadvantaged community organizations; disadvantaged contractor's groups; local, state and federal disadvantaged business assistance offices; and other organizations that provide assistance in recruitment and placement of M/WBEs.
11. Examples of actions not acceptable as reasons for failure to meet the M/WBE goal.
 - a. M/WBE unable to provide performance and/or payment bonds.
 - b. Rejection of reasonable bid based on price.
 - c. M/WBE would not agree to perform items of work at the unit bid price.
 - d. Union versus nonunion status.
 - e. Contractor normally would perform all or most of the work of the contract.
 - f. Solicitation by mail only.
 - g. Restricting to only those general group of items which may be listed in proposal under such headings "Items Subcontractible to M/WBE firms".

The demonstration of good faith efforts by the contractor must, in the end, prove the contractor had actively and aggressively sought out M/WBEs to participate in the project.

The information provided will be evaluated to determine if the low bidder is responsive. All the information provided must be accurate and complete in every detail. The apparent low bidder's attainment of the M/WBE goal or demonstration of good faith effort will assist in determining the award of the contract.

III. POST-AWARD COMPLIANCE RESPONSIBILITIES

A. OTHER REQUIREMENTS

1. If the contract is awarded on less than full M/WBE goal participation, such award will not relieve the contractor of the responsibility to continue reasonable good faith efforts to provide participation opportunities to M/WBEs throughout the life of the contract. In this instance, the contractor shall submit to the BPS and the SLDC a request to sublet prior to any subcontracting of additional work items or supply/material purchases. The contractor will be required to document good faith effort to utilize M/WBE subcontractors/suppliers prior to entering into a contract with a non-M/WBE.
2. When the contract is awarded on M/WBE goal participation in excess of the original stated goal, the contractor shall continue to make reasonable efforts to achieve the M/WBE percentage stated on the Subcontractor List, regardless of the stated minimum goal percent in the specifications.
3. The contractor shall establish a program which will effectively promote increased participation by M/WBEs in the performance of contracts and subcontracts. The contractor shall also designate, and make known to the Board of Public Service, the user department and the SLDC, a liaison officer who will be responsible for the administration of the contractor's M/WBE program.
4. The contractor shall enter into subcontracts or written agreements with the M/WBEs identified on the Subcontractor List for the kind and amount of work specified. The subcontracting requirements of the contract will apply. The contractor shall submit copies of subcontracts or agreements for each M/WBE identified on the Subcontractor List to the BPS and the SLDC prior to the issuance of a Notice to Proceed.

5. The contractor shall keep each M/WBE informed of the project progress schedule and allow each M/WBE adequate time to schedule work, stockpile materials, and otherwise prepare for the subcontract work.
6. At any point during the project when it appears that the scheduled amount of M/WBE participation may not be achieved, the contractor shall provide evidence to the BPS and the SLDC demonstrating how the goal will be met.
7. If the contractor is unable to demonstrate to the satisfaction of the BPS and the SLDC that it failed to achieve the scheduled M/WBE participation due to reasons such as quantitative under-runs or elimination of items contracted to M/WBEs and that good faith efforts have been used to obtain the scheduled contract participation, the City may withhold an amount equal to the difference between the M/WBE goal and the actual M/WBE participation achieved as damages.
8. When the SLDC has reason to believe the contractor, subcontractor, or M/WBE are not operating in compliance with the terms of the M/WBE guidelines, to include, but not be limited to the encouragement of fronting, brokering, or not providing a commercially useful function, the SLDC will conduct an investigation of such activities with the cooperation of the parties involved. If the SLDC finds that any person or entity is not in compliance, the SLDC will notify such person or entity, in writing, as to the specific instances or matters found to be in noncompliance.
9. To ensure that the obligations under subcontracts awarded to subcontractors are met, the SLDC will review the contractor's efforts to promptly pay subcontractors for work performed in accordance with the executed subcontracts. The contractor shall pay all subcontractors and suppliers, including M/WBEs, their respective amounts due for satisfactorily completed work within 15 calendar days after the contractor receives payment from the City for the items performed by the subcontractors. The contractor shall provide all subcontractors with a full accounting to include quantities paid and deductions made from the subcontractors partial payment at the time the check is delivered. Failure to do so without cause may result in an equal amount being withheld from the contractor on the next progress payment.
10. The City reserves the right to withhold any progress payment from the contractor when it is determined that a M/WBE is not performing a commercially useful function or that achievement of the goal is in jeopardy. Payment may be withheld in the amount of the M/WBE goal that is in jeopardy until either the contractor submits to the BPS and the SLDC a revised plan for achieving the contractor's goal and the plan is approved, or the M/WBE goal amount in question has been met.

11. The BPS or the User Department will monitor the contractor's M/WBE involvement during the contract, the level of effort by the contractor in meeting or exceeding the goals in the contract, the contractor's attempts to do so, and the efforts in soliciting such involvement. If, at the completion of the project, the contractor has failed to meet the M/WBE goal and has not demonstrated good faith efforts or obtained a reduction or waiver of the goal, the City may withhold an amount equal to the difference between the scheduled or approved amount of M/WBE participation and the actual M/WBE participation achieved as damages.

B. RECORD KEEPING REQUIREMENTS:

The contractor shall keep such records as are necessary for the SLDC to determine compliance with the M/WBE contract obligations. These records shall include the names of subcontractors, including M/WBEs; copies of subcontracts; the type of work being performed; documentation such as canceled checks and paid invoices verifying payment for work, services, and procurement; and documentation of correspondence, verbal contacts, telephone calls, and other efforts to obtain services of M/WBEs. When requested, the contractor shall submit all subcontracts and other financial transactions executed with M/WBEs in such form, manner and content as prescribed by SLDC. The SLDC reserves the right to investigate, monitor and/or review actions, statements, and documents submitted by any contractor, subcontractor, or M/WBE.

C. REPORTING REQUIREMENTS:

The contractor shall submit monthly reports on M/WBE involvement. At the conclusion of each estimate period the contractor shall submit the Record of Payments to Subcontractors, Material Suppliers and Other Vendors Report to the BPS Project Manager to verify actual payments to all subcontractors and vendors, including M/WBE's, for the previous month's reporting period. These reports will be required until all subcontract performance activity is complete and the project is substantially completed. Reports are required regardless of whether or not subcontract performance activity occurred during the monthly reporting period.

Upon completion of all subcontract performance activity, and prior to final payment, the contractor shall submit the Final Record of Payments Report to the BPS Project Manager detailing all subcontractor and vendor payments. When the actual amount paid to a subcontractor or vendor is less than the award amount, a complete explanation of the difference is required.

If the M/WBE goal is not met, documentation supporting good faith efforts shall be submitted. Failure to submit this documentation or the required reports may result in the withholding of partial payments to the contractor until the reports are submitted. All payments due subcontractors which affect M/WBE goal attainment,

including retainage, shall be paid by the contractor before the City of St. Louis releases the contract/retainage bond.

The SLDC reserves the right to conduct an audit of M/WBE participation prior to processing the final estimate and at any time during the work.

D. SUBSTITUTIONS OF M/WBE FIRMS AFTER CONTRACT AWARD:

1. The contractor shall continue reasonable good faith efforts to achieve the scheduled amount of M/WBE participation.
2. Contract items designated to be performed by the M/WBE on the Subcontractor List shall be performed by the designated M/WBE or an approved substitute. Substitutions of named M/WBEs must be approved in writing by the SLDC. Substituted M/WBEs shall not commence work until the contractor is able to demonstrate that the listed M/WBE is unable to perform because of default, over-extension on other jobs, or other acceptable justification. It is not intended that a contractor's ability to negotiate a more advantageous contract with another subcontractor be considered a valid basis for change. Substitution of M/WBEs will be allowed only when the M/WBE is unable to perform due to default, over-extension on other jobs, or other similar justification. Evidence of good faith efforts exerted by the contractor shall be submitted to the SLDC for approval. Pay items of work eliminated from the project will not diminish the contractor's responsibility to make reasonable efforts to provide opportunities for M/WBE participation.
3. Under no circumstances will a contractor self-perform work originally designated to be performed by a M/WBE without prior written approval from the SLDC.
4. When a listed M/WBE is unwilling or unable, to perform the items of work specified on the Subcontractor List, the contractor shall immediately notify the SLDC. When a contractor's request to be relieved of the obligation to use the named M/WBE results in a M/WBE goal shortfall, the contractor shall immediately take steps to obtain another certified M/WBE to perform an equal amount of allowable credit work or make documented good faith efforts to do so. The new M/WBE's name and designated work shall be submitted to the BPS Project Manager for approval using the Substitution Form, prior to proceeding with the work. If the contractor is unable to replace a defaulting M/WBE with another M/WBE for the applicable item, a good faith effort shall be made to subcontract other items to M/WBEs for the purpose of meeting the goals. The SLDC will determine if the contractor made an acceptable good faith effort in

awarding work to M/WBE firms. The SLDC may allow an adjustment of the goals as may be appropriate, depending on individual project circumstances.

M/WBE INDEX AND SUBMISSION INSTRUCTIONS

PAGE	FORM	SUBMITTED	SUBMITTED TO
MBE: 1	M/WBE UTILIZATION STATEMENT	With Bid Proposal	BPS
MBE: 2-4	SUBCONTRACTOR LIST	Within 48 hours of Bid Opening	BPS
MBE: 5-6	NOTICE OF INTENT TO PERFORM AS A SUBCONTRACTOR AND/OR MATERIAL SUPPLIER	Within 48 hours of Bid Opening	BPS
MBE: 7-8	CONTRACTOR'S GOOD FAITH EFFORTS REPORT AND STATEMENT	Within 48 hours of Bid Opening	BPS
	COPIES OF M/WBE SUBCONTRACTS	Upon execution of a contract with the City, the Contractor shall provide fully executed copies of all M/WBE subcontractors.	BPS and Airport DBE Office
MBE: 9	RECORD OF PAYMENTS TO SUBCONTRACTORS, MATERIAL SUPPLIERS AND OTHER VENDORS REPORT	The 15th of the month for the month preceding. (Example for January the report would be submitted by February 15th.	BPS and Airport DBE Office
MBE: 10	SUBCONTRACTOR OR SUPPLIER SUBSTITUTION FORM	Prior to substituting a subcontractor or supplier. Approval from the City is required prior to substitution.	BPS and Airport DBE Office
MBE: 11	FINAL RECORD OF PAYMENTS REPORT	Within 15 days after the completion of all work items to be performed under the contract.	BPS and Airport DBE Office

CITY OF ST. LOUIS
BOARD OF PUBLIC SERVICE
MBE/WBE UTILIZATION STATEMENT

Policy: It is the policy of the City of St. Louis that minority and women-owned businesses, as defined in the Mayor's Executive Order of July 24, 1997, shall have an opportunity to participate in the performance of contracts utilizing City funds, in whole or in part. Consequently, the requirements of the aforementioned Executive Order apply to this contract.

Project and Bid Identification:

Contracting Agency: _____

Project Name: _____

Letting Number: _____ Date: _____

Contract MBE/WBE Goal: 25% MBE and 5% WBE Participation

Total Dollar Amount of Prime Contract: \$ _____

Total Dollar Amount of Proposed MBE: \$ _____ Percent MBE _____

Total Dollar Amount of Proposed WBE: \$ _____ Percent WBE _____

Obligation: The undersigned certifies that (s)he has read, understands and agrees to be bound by the bid specifications, including the accompanying exhibits and other items and conditions of the request for proposals regarding minority and women business enterprise utilization. The undersigned further certifies that (s)he is legally authorized by the respondent to make the statements and representations in the M/WBE Forms and Exhibits and that said statements and representations are true and correct to the best of his/her knowledge and belief. The undersigned will enter into formal agreements with the minority/women business enterprises listed in the Subcontractor List, which are deemed by the City to be legitimate and responsible. The undersigned understands that if any of the statements and representations are made by the respondent knowing them to be false, or if there is a failure of the successful respondent to implement any of the stated agreements, intentions, objectives, goals and commitments set forth herein without prior approval of the City, then in any such events, the contractor's act or failure to act, as the case may be, shall constitute a material breach of the contract, entitling the City to terminate the contract for default. The right to so terminate shall be in addition to, and not in lieu of, any other rights and remedies the City may have for other defaults under the contract. Additionally, the contractor may be subject to the penalties cited in Section Twelve of the Mayor's Executive Order #28

Assurance: I, acting as an officer of the undersigned bidder or joint venture bidders, hereby assure the City that on this project my company will (check one):

_____ Meet or exceed contract award goals and provide participation as shown above.

_____ Fail to meet contract award goals but will demonstrate that good faith efforts were made to meet the goals and my company will provide participation as shown above.

Name of Prime Contractor(s): _____

 Prime Contractor Authorized Signature

 Title

 Date

**CITY OF LOUIS
BOARD OF PUBLIC SERVICE
SUBCONTRACTOR LIST**

Prior to the final approval of any contract resulting from this letting, the apparent low bidder will be evaluated as to the proposed utilization of City certified minority and women-owned business enterprises. This is in addition to any and all requirements in accordance with the Mayor's Executive Order of July 24, 1997. **On the spaces provided below please list all subcontractors and suppliers, including M/WBEs, proposed for utilization on this project. Work to be self-performed by the bidder is to be included.**

FIRM NAME	MBE or WBE	BID ITEM(S) OF WORK TO BE PERFORMED	SUBCONTRACT OR SUPPLY CONTRACT AMOUNT

**CITY OF LOUIS
BOARD OF PUBLIC SERVICE
SUBCONTRACTOR LIST**

[illegible]

**CITY OF LOUIS
BOARD OF PUBLIC SERVICE
SUBCONTRACTOR LIST**

FIRM NAME	MBE or WBE	BID ITEM(S) OF WORK TO BE PERFORMED	SUBCONTRACT OR SUPPLY CONTRACT AMOUNT

CONTRACT BID TOTAL \$ _____

TOTAL AMOUNT OF MBE PARTICIPATION: _____

PERCENT MBE PARTICIPATION: _____

TOTAL AMOUNT OF WBE PARTICIPATION: _____

PERCENT WBE PARTICIPATION: _____

In considering all levels of subcontracting on City contracts the following categories of Bid Item(s) or Work and Trade have been suggested by various private and governmental organizations and professional groups involved in commercial and industrial construction: -- air conditioning, final clean-up, caulking, ceilings, conduit, concrete, cement, cabinets, doors, drainage, drilling, drywall, asphalt, carpentry, communications, electrical, equipment rental, excavating, elevators, earthwork, decorators, fencing, flooring, automatic sprinklers, foundations, brick masonry, pile caps, pile driving, sewers, stone masonry, insulation, tile setting and terrazzo, lathing and plastering, asbestos, painting, security guard service, sign painting, painting, insurance and bonding, photographers, plumbing, paving, grading, landscaping, toilet partitions, siding, roof decking, flooring, paperhangers, sky lights, steel erections, re-bars, sheet metal, movable partitions, ornamental iron, glazing, accessories suppliers, exterminators, millwork, wall covering, advertisers, data programmers, wrecking and demolition, sodding, construction and design consultants, hauling, financing institutions, public movers, specialties, carpeting, piping, heating, and sanitary and safety facilities.

Note: On attached sheets, provide the complete mailing address, telephone number, contact person and title for each firm listed on the previous pages. Additionally, provide the City Business License Number and Federal Identification Number for each.

Name of Firm

Signature and Date

**CITY OF ST. LOUIS
BOARD OF PUBLIC SERVICE**

**NOTICE OF INTENT TO PERFORM AS A SUBCONTRACTOR AND/OR MATERIAL
SUPPLIER**

NAME OF PROJECT _____

LETTING NUMBER _____

PART I

(NOTE: Pursuant to the City's policies, M/WBE firms participating in the City's M/WBE Program must have "current" certification status with the City or the Missouri Regional Certification prior to bid opening. The M/W/DBE certification of any firm is effective for two (2) years from the date of written notification of certification. Firms not certified by the City or the Missouri Regional Certification cannot be counted towards the City's M/WBE goals on this project. Firms certified by the U.S. Small Business Administration (SBA) must attach a copy of a the firm's 8(a) program approval letter from the SBA)

1. TO: _____
(Name of Contractor)

2. The undersigned intends to perform work in connection with the above project as (check one):

an individual / sole proprietorship
a corporation

a partnership
a joint venture

3. The undersigned (check applicable statements):

has been certified by the St. Louis Airport Authority (SLAA)
(Certification #_____).

has been certified as a DBE by the Missouri Regional Certification Committee.
Certification #_____.

has a current 8(a) status with the U.S. Small Business Administration.

4. The undersigned is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify "supply" or "install" or both).

and at the following price \$_____. With respect to the proposed subcontract described above _____% of the dollar value of such subcontract will be sublet and/or awarded to non-M/W/DBE subcontractors.

PART II: SUBCONTRACTOR PARTICIPATION

4b	Name of Firm Receiving Subcontract	Work to Be Performed	Amount of Subcontract
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

Total amount to be subcontracted out by M/WBE \$ _____

(Name of General Contractor) BY: _____ PHONE: _____ DATE: __/__/__
(Signature of Authorized Representative)

(Name of M/W/DBE Firm) BY: _____ PHONE: _____ DATE: __/__/__
(Signature of Authorized Representative)

**CITY OF ST. LOUIS
BOARD OF PUBLIC SERVICE
CONTRACTOR'S GOOD FAITH EFFORTS REPORT**

CONTRACTING AGENCY: _____

PROJECT NAME: _____

PRIME CONTRACTOR: _____

In addition to the minority or women-owned business enterprises listed and proposed for utilization on this contract, the following minority and women-owned business enterprises were also contacted regarding this contract. However, the prime contractor is unable to utilize these firms for the reasons listed below:

FIRM NAME ADDRESS, PHONE # CONTACT PERSON	BID ITEM(S) OF WORK TO BE PERFORMED AND/OR MATERIALS SUPPLIED	BID AMOUNTS	DATE AND METHOD OF SOLICITATION	COMMENTS: REASONS REJECTED

Prime Contractor's Authorized Signature _____ Title _____ Date _____

**CITY OF ST. LOUIS
BOARD OF PUBLIC SERVICE
CONTRACTOR'S GOOD FAITH EFFORTS STATEMENT**

In accordance with the Mayor's Executive order of July 24, 2007, please indicate those efforts you made to regarding the utilization of Minority and/or Women-Owned Business Enterprises (M/WBEs) on this contract.

	YES	NO
Attended the pre-bid conference held on this contract.		
Selected portions of work proposed to be performed by M/WBEs in order to increase the likelihood of meeting the participation goals.		
Solicited individual M/WBEs by written notification at least fourteen (14) calendar days prior to bid opening to participate in the contract as subcontractor, regular dealer, manufacturer, consultant, or service agency for specific items or type of work.		
Followed up the initial solicitation of interest by contacting M/WBE firms to determine whether or not said firms will submit a bid.		
Provided interested M/WBE firms with adequate information regarding plans, specifications and requirements for bidding on City-financed construction.		
Negotiated in good faith with M/WBE firms. Firms shall not be disqualified without sound reasons based upon a thorough investigation of their capabilities.		
Made efforts to negotiate with M/WBE firms for specific items of work.		
Made efforts to assist M/WBE firms that requested assistance in obtaining bonding, insurance, or lines of credit required to participate in the contract.		
Advertised in general circulation media, trade association publication(s), M/WBE focused media for M/WBEs and areas of interest for this contract.		
Name of Publication(s) 1. _____ Date _____ 3. _____ Date _____ 2. _____ Date _____ 4. _____ Date _____		
Notified, in writing, organizations that provide assistance in the recruitment and placement of M/WBE firms of the types of work, supplies or services considered on this contract. List the organizations, contractors' groups, local, state and federal disadvantaged business assistance offices and other organizations that were contacted for assistance in achieving the participation of M/WBE firms on this contract.		
Please note the name of the person contacted and the date of contact.		
Organization: _____ Contact Person: _____ Date of Contact: _____		
Organization: _____ Contact Person: _____ Date of Contact: _____		
Organization: _____ Contact Person: _____ Date of Contact: _____		

Firm Name _____

Prime Contractor's Authorized Signature _____

Title _____

Date _____

**CITY OF ST. LOUIS
BOARD OF PUBLIC SERVICE
RECORD OF PAYMENTS TO SUBCONTRACTORS,
MATERIAL SUPPLIERS AND OTHER VENDORS**

CONTRACT NUMBER: _____

PROJECT NAME: _____

NAME OF PRIME CONTRACTOR: _____

DATE _____

PAY APPLICATION NUMBER _____

PROPOSED SUBCONTRACTOR OR SUPPLIER	MBE or WBE	PROPOSED SUBCONTRACT AMOUNT	SUBCONTRACTOR OR VENDOR BILLED THIS PAY APPLICATION	PREVIOUS PAYMENTS TO SUBCONTRACTOR OR VENDOR	TOTAL PAYMENTS TO SUBCONTRACTOR TO DATE	SUBCONTRACTOR OR VENDOR PERCENT COMPLETE

In signing this form, the contractor certifies that the above amounts have been PAID TO all Subcontractors, Suppliers and vendors and that documentation for said payments is available for inspection.

Prime Contractor's Authorized Signature

Title

Date

**CITY OF ST. LOUIS
BOARD OF PUBLIC SERVICE
SUBSTITUTION FORM**

CONTRACTING AGENCY: _____
 PROJECT NAME: _____
 NAME OF PRIME CONTRACTOR: _____
 TOTAL CONTRACT AMOUNT: _____

In accordance with the City of St. Louis' Minority/Women Business Participation Program, when adding, changing or deleting subcontractors or suppliers on City projects, the City of St. Louis Substitution Form shall be used. All changes to the original list of approved subcontractors or suppliers shall be submitted to the contracting agency and SLAA DBE Office for review and written approval prior to the use of any substitute contractor and/or supplier on a City project. Contractors shall make a good faith effort to replace M/WBE subcontractors or suppliers unable to perform on the project with another certified M/WBE firm.

1. Is the subcontractor/supplier being replaced a M/WBE? YES _____ NO _____
2. Type of work to be performed/material to be supplied: _____
3. Dollar Amount: _____
4. Name of the subcontractor/supplier being replaced: _____
 Contact Person: _____ Telephone No. _____
5. Percent of work/material that was completed /supplied by the subcontractor/supplier _____
6. Amount paid to the subcontractor/supplier (if any):

7. The reason the subcontractor/supplier is being replaced is stated as follows: _____
8. Document the efforts made to replace or add a M/WBE to perform the work/supply the required materials: _____
9. Name of substitute subcontractor/supplier: _____
 Address: _____ Federal ID: _____
 M/WBE: Yes ___ No ___ Contact Person: _____ Telephone No. _____

This form should be completed and submitted to the contracting agency when a subcontractor or supplier is being added, deleted or changed. The same criterion used for establishing good faith efforts in maximizing the participation of M/WBEs prior to awarding this contract will also apply to the substitution of M/WBE subcontractors or suppliers during the performance of the contract.

CITY OF ST. LOUIS
BOARD OF PUBLIC SERVICE
FINAL RECORD OF PAYMENTS REPORT

PROJECT NAME: _____ M/WBE GOAL: _____

CONTRACT NUMBER: _____ FINAL CONTRACT AMOUNT: _____ (including Change Orders to Date)

The Final Record of Payments Report is completed by the contractor and submitted to the contracting agency and SLAA upon completion of the project. The report should reflect all activity, regardless of tier, on the project. If the M/WBE goal was not met, the contractor shall submit documentation supporting good faith efforts.

SUBCONTRACTOR OR SUPPLIER	MBE/ WBE	WORK PERFORMED	TOTAL DOLLAR AMOUNT PAID TO SUBCONTRACTOR OR SUPPLIER

This certifies that \$ _____ has been paid to M/WBE Subcontractors or Suppliers as stated above.

By: _____
Name of Contractor

Per: _____
Authorized Signature

Subscribed and sworn to, before me, this _____ day of _____, A.D. _____

Notary Public: _____ My commission expires: _____